

United States District Court
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-CR-246

OLEG Y. NIKOLAENKO,

Defendant.

COURT MINUTES
HONORABLE CHARLES N. CLEVERT, JR., PRESIDING

Date: February 27, 2013

Proceeding: Sentencing

Start Time: 1:39:13 p.m.

End Time: 1:59:28 p.m.

Court Reporter: FTR Gold

Deputy Clerk: Kris Wilson

Appearances: Attorneys Erica O'Neil and William A. Hall
Oleg Y. Nikolaenko with Attorney Nicholas Wooldridge
Interpreter Natalia Stanley
U.S. Probation Officer Lisa M. Cyrak

Disposition: The defendant's Motion to Dismiss Count One [22], Motion to Suppress [24], Second Motion to Suppress and Return Property [26], and Second Motion for Return of Property [42], are withdrawn. As a consequence, the Report and Recommendations [43] and [48] are terminated.

The court imposes a sentence of time served as to count one of the Information. After release from custody, the defendant shall serve three years on administrative supervision. See Judgment for details.

The court advises the defendant of his right to appeal and finds he is eligible to proceed in forma pauperis on appeal. The defendant

does not want the clerk to file a notice of appeal on his behalf.

The government is granted leave to dismiss the Indictment and the Superseding Indictment.

Notes:

The defendant withdraws his pending motions.

The court adopts the facts and advisory guideline range set forth in the PSR.

The government recommends a sentence of time served and three years on administrative supervision. The government does not seek restitution. No victims came forward after notice was published in the Wall Street Journal. The defendant has spent approximately 27 months in local custody and has accepted responsibility for this offense. The defense concurs with the recommendation.